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CONCORD, N.H.

January 27, 1958

Admiral Cornelius A. Brinkmann
Director of Civil Defense
64 South Street
Concord, New Hampshire

Dear Admiral Brinkmann:

Following the conference in this office regarding the question of legislation to provide continuity of government in this State in the event of disaster it is believed that for the time being a simple amendment to the Civil Defense Act (RSA 107) will be adequate. Such an amendment would provide authority to the Governor to provide by regulation emergency lines of succession to appointive offices in the State government.

You will note that this suggestion, which is appended hereto in the form of a draft bill, makes no reference to such appointive offices as may be constitutional in derivation, e.g., Superior Court, etc. It is doubtful whether legislation short of a constitutional amendment may authorize the Executive Branch of the government to provide for succession to such offices or to elective offices such as the General Court, or Secretary of State or State Treasurer. However, it appears that a sufficient number of other offices may be provided for by regulation to warrant adoption of the bill with the thought that eventually a constitutional amendment may provide for such succession to other categories of offices as appear to be essential to the continuity desired.

The processes of constitutional amendment are long and expensive although at the moment, with a Special Session in the offing and the Constitutional Convention adjourned at the call of the chairman, it is possible to put the question upon the ballot this Fall should it be desired and considered to be of sufficient priority. This will require legislative action, however, at the Special Session in the sense that the Constitutional Convention is without funds and an appropriation would be required. In case

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no action is taken at the Special Session of the Legislature relative to providing funds for another session of the Constitutional Convention, the matter could be taken up at the 1959 Legislative Session. All such procedure is, of course, contingent upon whether or not the President of the adjourned convention would be willing to convene the convention in another session for such a purpose as indicated above.

I am making no suggestion as to the content of a constitutional amendment inasmuch as a series of constitutional amendments would probably be required and, as I indicated the other day, I am not satisfied that there is not a sufficient existing series of statutes to meet the needs of this State, for the time being at least.

Sincerely,

Louis C. Wyman
Attorney General

Encl.